

EAST AMWELL PLANNING BOARD MINUTES
7:30 PM East Amwell Municipal Building
October 12, 2011 - Meeting

Call to Order, Attendance and Pledge of Allegiance

This meeting of the East Amwell Planning Board was opened on October 12, 2011 at 7:30 PM. The following notice was read, "In compliance with the Open Public Meetings Act, this is a regularly scheduled meeting pursuant to the annual meeting notice as published in the January 20, 2011 issue of the Hunterdon County Democrat, a copy of the agenda for this meeting was forwarded to the Hunterdon County Democrat, filed in the Township Clerk's Office and posted on the bulletin board on October 5, 2011."

Present: Rob Gilbert
Gail Glashoff
Peter Kneski
Don Reilly, Chairman
Dart Sageser
Michael Weis
Joe Wolfgang
Roger DeLay – Alt. #1
Planner Slagle

Excused: Fred Gardner
Linda Lenox
Edward Feinberg – Alt. #2

Chairman Reilly addressed the public, noting for the record that the NVT Licenses, LLC public hearing for the proposed solar facility to be located on the Stahl property will be carried to the Board's 11/9/11 meeting at the request of the applicant's Attorney. He stated that the public hearing scheduled for this evening will not be taking place and there will be no further public notice provided for next month.

An unidentified member of the public spoke up asking what the residents can expect to take place on the property over the next month indicating there has already been a lot of activity and changes made to the prior wooded areas on the parcel. Chairman Reilly remarked that the Planning Board can only address applications before the Board and noted that the Planning Board is not an enforcing authority. He suggested concerned residents reach out to the Township Committee, the Zoning Officer or the Township Administrator regarding any zoning issues or potential violations they believe exist.

Citizens' Privilege to Speak on Items not on the Agenda

Chairman Reilly opened the floor to public comment. Frances Gavigan of 123 Wertsville Road came forward and reminded everyone that the Ag Advisory Committee will be hosting their Farm Forum on 10/17/11 which will focus on emergency preparedness and encouraged everyone to come.

A motion by Rob Gilbert, seconded by Roger DeLay to close to the public was unanimously approved.

Review of Minutes

A motion by Rob Gilbert, seconded by Gail Glashoff to approve the Board's minutes from 9/14/11 as revised was unanimously approved.

New Business – Other

Approval: Resolution PB#2011-10 – Alethea Cleantech Advisors, LLC: Minor Subdivision and Preliminary & Final Major Site Plan Approval with Variance

A motion by Roger DeLay, seconded by Gail Glashoff to approve Resolution PB#2011-10 as revised was unanimously approved by roll call vote.

Roll Call Vote: Roger DeLay: Yes, Gail Glashoff: Yes, Rob Gilbert: Yes, Peter Kneski: Yes, Don Reilly: Yes, Dart Sageser: Yes, Michael Weis: Yes, Joe Wolfgang: Yes

Public Hearing: NVT Licenses, LLC. – Block 5 Lots 1.06 & 2 – (Stahl Property – 117 John Ringo Road) – Minor Subdivision and Preliminary & Final Major Site Plan Approval

A motion by Gail Glashoff, seconded by Michael Weis to carry the public hearing for NVT Licenses, LLC as requested by their Attorney to the Board’s November meeting with no further public notice required was unanimously approved by roll call vote.

Roll Call Vote: Gail Glashoff: Yes, Michael Weis: Yes, Rob Gilbert: Yes, Peter Kneski: Yes, Don Reilly: Yes, Dart Sageser: Yes, Joe Wolfgang: Yes, Roger DeLay: Yes

Discussion: Tree Harvesting Ordinance – Update

Mr. Weis noted a revised draft Ordinance was provided for discussion this evening. He stressed that it is a draft version and commented that the goal is for the Board to be prepared to recommend sending the Ordinance to the Township Committee next month for introduction so it can be adopted by the end of the year.

The following highlights were noted:

1. The establishment of two tiers of tree harvesting for permit approval: (1) The removal of up to 20 trees per tax lot and under 6 trees in any one acre—Tier A and (2) The removal of over 20 trees per tax lot or over 6 trees in any one acre—Tier B. It was noted that a tree is defined as having a 4” caliper, and being 4’ tall or taller because a tree with these dimensions is considered “harvestable” for timber according to Environmentalist Jeff Keller who was previously consulted on prior revisions to the Ordinance. Chairman Reilly asked how an acre is being measured/defined and by whom. Mr. Weis explained this is difficult to define and commented that the property owner will have to submit a plan showing where they intend to cut trees and how many. He noted that since the Township only gets a request for a tree cutting permit once every two years on average, the subcommittee didn’t spend a lot of time trying to define how an acre will be measured. Planner Slagle stated that regardless of whether or not a permit is issued once a year or once every ten years, an acre must be defined. Chairman Reilly agreed. Mr. Gilbert remarked that the subcommittee is thinking about whether or not the permit should require a grid showing which trees will be removed on the property. There were suggestions by Board Members to measure an acre by “square” dimensions or by the “radius” of an acre from a specific point/tree so that enforcement can easily be determined by the Zoning Officer.
2. Tree replacement and remediation: (1) If harvested with a permit, the total caliper of trees planted shall equal the total caliper of trees harvested and (2) If harvested without a permit, the total caliper of trees planted shall equal up to 3 times the total caliper of trees illegally harvested. Mr. Weis commented that remediation is required for a large (Tier B) harvest. He noted remediation is also available as a penalty option. Mr. Weis remarked that a conditional

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- section regarding the creation of a Township Tree Fund has been included which allows for money to be given to the Township to utilize for the purchase of trees in the future or direct remediation to other locations if necessary. Mr. Weis explained that the subcommittee is suggesting that rather than expect a property owner to replace trees with the same size caliper of what was cut, the replacement/remediation of trees would be based on the total caliper of trees removed with a minimum of one to one. For example, if a total of 100” of trees were cut down, the property owner would have to plant 100” (total caliper) of new trees with a minimum replacement tree caliper of 2.5”. Mr. DeLay commented that this requirement may create an overcrowding situation on some parcels.
3. The issue of enforcement was discussed. Mr. Weis commented that the last amendment to the Ordinance identified the Tree Harvesting Committee as the enforcing authority and an issue came up last month that led to the conclusion that the Tree Harvesting Committee could not enforce the Ordinance so the subcommittee put the Zoning Officer back in as the enforcement authority and also as the person responsible for reviewing the permit application. He noted that the Ordinance allows for property owners to get assistance from the Township Engineer or a certified Forester for Tier B harvesting that will be paid for by the applicant. Consultation for Tier A harvesting would be covered by the Township. Planner Slagle commented on the table included in the latest amendment saying it is not common practice to have a table with information that may not be included elsewhere in the Township’s Ordinances and she suggested including a cited reference to each of the sections of the Ordinance mentioned in the table. She also recommended that all subjective language be taken out of the Ordinance.
 4. It was noted that the permitting fees have been increased slightly to offset the costs associated with processing permit applications and duplicating the Best Management Practices manual.
 5. There was some discussion on how the Ordinance applies to properties protected by the Right-to-Farm (RTF). Mr. Weis indicated the removal of any trees on a farm property with documented RTF Act protection and explicit woodland clearing approval would not require permits. Mr. Sageser commented that in order for property owners to get RTF protection they must file for Farmland Assessment and if the property owner is using woodland management they must file a WM1 form which goes to the Township Tax Assessor. He clarified that if the WM1 form has not been filed it is possible an appeal could be filed with the County Agricultural Development Board (CADB). Planner Slagle explained there is a difference between a State approved Woodland Management Plan where a property owner gets a Farmland Assessment designation and a farmer who is creating pastures and some trees are in the way that he removes which is part of the established agricultural practices and would still be covered under Farmland Assessment but this is the type of activity that will pose an issue under this Ordinance. Planner Slagle remarked that she does not know what the CADB’s policy is on a farmer clearing a field. Mr. Weis noted he will try to obtain details on this type of activity from CADB. Planner Slagle stated this Ordinance is not in the Township’s Land Development Section but rather in the General Ordinance Section which means it applies to all zones and she questioned whether or not the Board really wanted to regulate this type of activity in the Amwell Valley Agricultural Zone. She remarked that if the Board is more concerned with clearing in the Sourland Mountain then the Ordinance should be in that district’s regulations and not in the General Ordinance Section.

Planner Slagle made a final comment on the proposed amendments to the Tree Harvesting Ordinance saying she is not comfortable with the reference to the Tree Harvesting Fund since no such fund exists. She also remarked on the strict guidelines governing these types of funds and how the money can be spent by the Municipality noting the Township Attorney and CFO may have issues with this as well.

Oral Reports

FOSPC – No report given.

Agricultural Advisory Committee – No report given.

Environmental Commission – Mr. Sageser reported that Sue Parsons submitted a letter of resignation from her position as the Commission’s Chair effective December 31, 2011.

Wastewater Management – No report given.

PB Secretary – No report given.

Chairman – Mr. Reilly reported that the applicant’s for the Dilt’s House renovation project are making progress with the County regarding the sidewalk improvements for this part of town. Mr. DeLay asked about the status of the grant approval for the sidewalks in the Village of Ringoes. Mr. Kneski explained that the grant is for approximately \$180,000 and the County plans to move forward with putting in sidewalks at some point in the future. He noted the County is currently in the process of reviewing design details for the project.

Correspondence

It was noted that there were no comments made on any of the correspondence listed on the agenda.

Open to the Public

A motion by Gail Glashoff, seconded by Rob Gilbert to open to the public was unanimously approved.

Helen Ryneerson of 14 Rosemont Ringoes Road came forward and expressed concern over the height of the trees to be planted as a buffer along her property line as they relate to the recently approved solar project on the neighboring parcel. Planner Slagle commented that the testimony provided by the applicant at last month’s public hearing was that the 10’ trees will be planted along Rosemont Ringoes Road and Dunkard Church and the buffer along Mrs. Ryneerson’s property line will contain some deciduous trees and evergreens approximately 8’ to 10’ tall. Chairman Reilly added that it was the Board’s belief that the applicant will provide adequate screening because of the view shed from the Ryneerson property based on the distance and the topography of the land. Mr. Wolfgang commented that the applicant’s testified the trees will grow at a rate of 6” to 12” per year which will also enhance the buffer.

A motion by Gail Glashoff, seconded by Roger DeLay to close to the public was unanimously approved.

Presentation of Vouchers

A motion by Rob Gilbert, seconded by Roger DeLay to approve the vouchers for payment as listed on the agenda was unanimously approved.

Ms. Glashoff asked what the status of the Board’s budget is at this point in time. Chairman Reilly asked Ms. Andrews to scan and email a copy of the Board’s budget, to date, to everyone.

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Adjournment

Chairman Reilly adjourned the meeting at 8:58 PM.

Maria Andrews, Administrative Officer

Note. These minutes have not been formally approved and are subject to change at the Board's 11/9/11 meeting.